



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No: 1734/5/7/25 (T)

BETWEEN:

- (1) VAUXHALL MOTORS LTD
- (2) OPEL AUTOMOBILE GMBH
- (3) STELLANTIS ESPANA SLU
- (4) STELLANTIS AUTO SAS
- (5) STELLANTIS EUROPE SPA
- (6) FCA SRBIJA D.O.O KRAGUJEVAC
- (7) FCA POLAND SP. ZO.O
- (8) MASERATI SPA
- (9) GIE PSA TRESORERIE
- (10) STELLANTIS NV

Claimants

- v -

- (1) NITERRA UK LTD
- (2) NITERRA CO., LTD

Defendants

ORDER

UPON the Claimants issuing their Claim Form in the High Court, Chancery Division on 21 June 2024 under Claim No. CP-2024-000033 and the claim being transferred to the Competition Appeal Tribunal pursuant to the Order of Master Pester of 28 May 2025 with Case No: 1734/5/7/25 (T) (the “**Claim**”)

AND UPON the Claimants serving their Particulars of Claim on 18 October 2024

AND UPON the Defendants serving their Defence on 1 April 2025 pleading *inter alia* at paragraphs 45 and 46 various mitigation defences (the “**Mitigation Defences**”)

AND UPON the Claimants serving their Reply on 3 June 2025

AND UPON the European Commission (“EC”) issuing a decision in Case AT.40113 – *Spark Plugs* on 21 February 2018 (the “**Commission Decision**”)

AND UPON the Second Defendant being an addressee to the Commission Decision (the “**Defendant Addressee**”)

AND UPON Robert Bosch GmbH, DENSO Corporation and NGK Spark Plug Europe GmbH being addressees of the Commission Decision but not defendants in these proceedings (together, the “**Non-Party Addressees**”)

AND UPON the First Defendant being a defendant in these proceedings but not an addressee of the Commission Decision

AND UPON the full text of the Commission Decision having been provided to the Second Defendant and the Non-Party Addressees (the “**Confidential Commission Decision**”)

AND UPON the non-confidential version of the Commission Decision having been published and made publicly available on 26 March 2018 (the “**Non-Confidential Commission Decision**”)

AND UPON the Second Defendant having documents in its possession, custody or control which are part of the EC’s administrative file relating to the investigation in Case AT.40113 – *Spark Plugs* (the “**Commission File**”, as further defined at paragraph 5.8 below)

AND UPON the parties filing a draft consent order with the Tribunal on 2 September 2025

AND UPON the correspondence between the parties and the Tribunal on 5 September 2025 and 8 September 2025

IT IS ORDERED THAT:

1. CMC ON 16 SEPTEMBER

1.1 The case management conference listed for 16 September 2025 is vacated.

2. FORUM

2.1 Pursuant to rules 18 and 52 of the Competition Appeal Tribunal Rules 2015 the forum of these proceedings is England and Wales.

3. EXPERT EVIDENCE

3.1 The Claimants and Defendants shall have permission to rely on expert evidence in the fields of:

- (a) Competition economics - the Claimants and Defendants shall each have permission to rely on one expert in this field (being one expert in total for the Claimants and one expert in total for the Defendants).
- (b) Foreign law – the Claimants and Defendants shall each have permission to rely on one expert in relation to each of French, Italian and German limitation law.

3.2 At the case management conference to be fixed in accordance with paragraph 11.1 below, the Tribunal will give directions in relation to the permitted scope of the expert evidence to be led, the length and format of expert evidence reports to be filed and the management of the expert evidence in advance of and at trial.

4. AMENDMENTS TO STATEMENTS OF CASE

- 4.1 Within 28 days of the provision of the disclosure set out at paragraph 6.2 below, the Defendants shall write to the Tribunal and Claimants indicating whether they intend to amend or further particularise the Mitigation Defences, or whether those Mitigation Defences will otherwise be pursued. If the Defendants confirm their intention to amend the Defence:
- (a) a draft Amended Defence shall be filed and served by 4pm on the date falling 28 days after the notification at paragraph 4.1 above; and
 - (b) if so advised, the Claimants shall file and serve a draft Amended Reply on the Defendants by 4pm on the date falling 28 days after the filing and service of the draft Amended Defence at paragraph 4.1(a) above.
 - (c) For the avoidance of doubt, insofar as the disclosure provided under paragraph 6.2 below does not include disclosure on the pricing of OES (spare parts) plugs, the Defendants will use their best endeavours to provide further particulars of their Mitigation Defence in respect of such products, but this is without prejudice to the Defendants' right to seek disclosure on such products.

5. DISCLOSURE OF CONFIDENTIAL COMMISSION DECISION AND COMMISSION FILE

Notification of the Order and Application

- 5.1 By 4pm on 3 October 2025, the Defendant Addressee shall write to each of the Non-Party Addressees providing them with copies of this Order.
- 5.2 Any of the Non-Party Addressees may within 28 days of receipt of the notification referred to in paragraph 5.1 of this Order apply to set aside or vary this Order, such application to be:
- (a) made by application notice and served on the Claimants and Defendants;
 - (b) accompanied by a reasoned explanation of the application to set aside or vary this Order together with any evidence relied on; and
 - (c) at the applicant's risk as to costs.

Disclosure and inspection of the Commission Decision

- 5.3 When notifying each of the Non-Party Addressees in accordance with paragraph 5.1 of this Order, the Defendant Addressee shall inform each of them of the following:
- (a) the Defendant Addressee will disclose to the Claimants a version of the Commission Decision (the "**Redacted Confidential Commission Decision**") containing only those redactions which can be justified on the basis that the material they redact:
 - (i) forms part of or is a quotation from leniency statements, as defined in Article 2(16) of Directive 2014/104/EU ("**Leniency Statements**");
 - (ii) forms part of or is a quotation from settlement submissions, as defined in Article 2(18) of Directive 2014/104/EU ("**Settlement Submissions**");
 - (iii) is subject to legal professional privilege ("**Privileged Material**"); or

- (iv) is material that is protected from disclosure under Article 48 of the Charter of Fundamental Rights of the European Union and/or Article 339 of the Treaty on the Functioning of the European Union (as applied in case T-474/04 *Pergan Hilfsstoffe GmbH v Commission* [2007] ECR II-4225) (“**Pergan Material**”);
 - (b) the Non-Party Addressees are invited to inform the Defendant Addressee in writing by 4pm on 31 October 2025 of those passages of the Confidential Commission Decision that they consider should remain redacted on the grounds of being Leniency Statements and/or Settlement Submissions and/or Privileged Material and/or Pergan Material, and to provide an explanation of the basis for each redaction;
 - (c) the description of, and basis for, redacting or withholding any passages from the Confidential Commission Decision must be provided in sufficient detail so as to enable the Claimants to assess any assertion and potentially challenge it by way of an application to the Tribunal, if so advised; and
 - (d) if the Non-Party Addressees fail to respond by 4pm on 31 October 2025, the Tribunal may refuse any later claims for redactions of the Confidential Commission Decision.
- 5.4 By 4pm on 7 November 2025, the Defendant Addressee shall disclose and provide inspection of the Redacted Confidential Commission Decision, subject only to any redactions requested by the Defendant Addressee or by a Non-Party Addressee on one of the grounds set out at paragraph 5.3(a) above. The Redacted Confidential Commission Decision must be accompanied by a description of any passages which have been redacted, the basis on which they have been redacted, and which of the Defendant Addressee and/or the Non-Party Addressees have requested the redaction. The description of, and basis for, any redacted passages must be provided in sufficient detail so as to enable the Claimants to assess any assertion and potentially challenge it by way of an application to the Tribunal, if so advised.

Disclosure and inspection of Access to File Documents

- 5.5 By 4pm on 31 October 2025, the Defendant Addressee shall also give notice to the Non-Party Addressees of the following:
- (a) the Defendant Addressee will disclose by list and provide inspection of all documents which are or have been within its possession, custody or control that are part of the Commission File and to which the Commission Decision’s addressees were granted access by the EC (the “**Access to File Documents**”);
 - (b) the following categories of documents (or parts of documents) shall be redacted or withheld from inspection:
 - (i) Leniency Statements;
 - (ii) Settlement Submissions;
 - (iii) Privileged Material; and
 - (iv) material that is irrelevant, applying the approach contained in CPR rule 31.6 (“**Irrelevant Material**”);

- (c) the Non-Party Addressees are invited to inform the Defendant Addressee in writing by 4pm on 28 November 2025 of any (or part of any) Access to File Documents which they require to be redacted or withheld on the basis of any Leniency Statements, Settlement Submissions, Privileged Material, or Irrelevant Material and to provide an explanation of the basis for each redaction or withholding;
- (d) the description of, and basis for, redacting or withholding any (or part of any) Access to File Documents must be provided in sufficient detail so as to enable the Claimants to assess any assertion and potentially challenge it by way of an application to the Tribunal, if so advised; and
- (e) if the Non-Party Addressees fail to notify the Defendant Addressees in accordance with paragraph 5.5(c) of this Order by 4pm on 28 November 2025 the Tribunal may refuse any later claims for redactions or withholding of the Access to File Documents.

5.6 By 4pm on 5 December 2025 the Defendant Addressee shall:

- (a) disclose by list and provide inspection of the Access to File Documents which are or have been within the custody, possession or control of the Defendant Addressee, subject only to a right to redact or withhold material at the request of the Defendant Addressee or of a Non-Party Addressee on one of the grounds set out at paragraph 5.5(b) above;
- (b) provide a description identifying any Access to File Documents which have been redacted or withheld by the Defendant Addressee and the basis on which they have been redacted or withheld (both to be provided in sufficient detail to enable the Claimants to assess any assertion and potentially challenge it by way of an application to the Tribunal, if so advised); and
- (c) provide the Claimants with the explanation(s) provided by the Non-Party Addressees to the Defendant Addressee pursuant to paragraph 5.5(c)-(d) above.

Additional Commission File Documents

5.7 By 4pm on 7 November 2025 the Defendant Addressee shall:

- (a) disclose by list and provide inspection of the documents which are or have been within its possession, custody or control that are part of the Commission File but not otherwise encompassed by the Access to File Documents (the “**Additional Commission File Documents**”). The same categories of documents or parts of documents as set out at paragraph 5.5(b) above may be redacted or withheld from inspection; and
- (b) provide a description identifying any Additional Commission File Documents which have been redacted or withheld by the Defendant Addressee and the basis on which they have been redacted or withheld (both to be provided in sufficient detail to enable the Claimants to assess any assertion and potentially challenge it by way of an application to the Tribunal, if so advised).

General provisions

5.8 The Commission File includes *inter alia*:

- (a) documents included in the EC's administrative file relating to the investigation on Case AT.40113 – *Spark Plugs* and any translations thereof (including any such pre-existing documents submitted by a leniency applicant);
 - (b) requests for information made by the EC;
 - (c) responses to requests for information made by the EC; and
 - (d) the index to the EC's administrative file.
- 5.9 Where a document contains material in the categories identified in paragraph 5.5(b) above, it is only those parts of the document that may be redacted, not the entire document.
- 5.10 The Defendant Addressee is not required to review the validity of requests by the Non-Party Addressees to withhold or redact parts of the Commission Decision and/or the Access to File Documents.

6. INITIAL EFFECTS AND QUANTUM DISCLOSURE

Volume of Commerce

- 6.1 By 4pm on 7 November 2025, the Defendants shall provide disclosure of the following data:

For the period from 1 January 2000 to 31 December 2018, a transaction-level dataset of EEA sales made by the relevant Defendant to the Claimants for Spark Plugs (as defined in paragraph 8 of the Particulars of Claim), derived from the relevant databases (or such other sources where they may be found) together with (to the extent available within the dataset) any available information on technical specifications for the Spark Plug including a breakdown at the level of each individual Spark Plug of:

- (i) volume supplied;
- (ii) price per unit;
- (iii) total value of sales (including the currency in which the sale was made);
- (iv) the Defendant's product part number including any associated descriptions of the product (such as product type and material), the Claimants' corresponding product part number, and the purchase order associated with the sale;
- (v) the name and location where the Spark Plug was manufactured;
- (vi) the name and location of the Claimants' plant where they were delivered to;
- (vii) the purchase date (and delivery date if different);
- (viii) whether the values are delivered or ex-factory prices; and
- (ix) whether the sale is for the main market or the aftermarket, categorising these separately where they are sold for both the main market and aftermarket.

The data requested above shall include, to the extent possible, an explanation of the units used for the volume data and any technical specifications of the Spark Plug.

Pass-on

6.2 By 4pm on 19 September 2025, the Claimants shall provide:

- (i) the witness statements relating to the Claimants' pricing strategies and processes filed in Case 1435/5/7/22 (T) *Stellantis Auto SAS & Others v Autoliv AB & Others*, Case 1248/5/7/16 *Peugeot S.A. and Others v NSK Ltd and Others*, and Case 1357/5/7/20 (T) *Stellantis N.V. & Others v NTN Corporation & Others*; and
- (ii) disclosure of data, documents and information previously disclosed by the claimants in Case 1435/5/7/22 (T) *Stellantis Auto SAS & Others v Autoliv AB & Others* under paragraphs 7 to 10 of Annex 2 of the Order of the Chair made on 15 May 2023.

7. DISCLOSURE STATEMENT

7.1 The parties' disclosures by list (as set out in paragraphs 5 and 6 of this Order) shall be accompanied by a disclosure statement in the form described at CPR Rule 31.10(5)-(7).

8. DISCLOSURE REPORTS AND ELECTRONIC DOCUMENTS QUESTIONNAIRES

8.1 By 4pm on 19 December 2025 the parties shall serve Disclosure Reports and Electronic Documents Questionnaires addressing all issues in the proceedings.

9. FURTHER DISCLOSURE APPLICATIONS

9.1 Any further applications for disclosure shall be filed by 4pm on 9 January 2026.

10. PROCEDURAL TIMETABLE

10.1 By 4pm on 16 January 2026 the parties shall file an agreed procedural timetable leading to trial including witness statements, expert evidence, further disclosure (if any), and a pre-trial review.

10.2 The Tribunal reserves to the case management conference to be fixed in accordance with paragraph 11.1 below the question of whether there should be a split trial with limitation being dealt with as a preliminary issue.

10.3 The filing of any witness statements or expert evidence relating to Claimants' claim for compound interest shall be adjourned until the Claim has otherwise been determined.

11. CASE MANAGEMENT CONFERENCE

11.1 Following the filing of the agreed procedural timetable in accordance with paragraph 10.1 above, the Tribunal will hold a case management conference on a date to be fixed at the first available date thereafter.

12. COSTS

12.1 The costs of the case management conference be costs in the case.

13. OTHER

13.1 The Claimants, Defendants, and Non-Party Addressees have liberty to apply.

- 13.2 This order is to be served by the Claimants on the European Commission via the following email address: comp-greffe-antitrust@ec.europa.eu.
- 13.3 By agreement the parties may vary without further order any deadline in this Order for a period or periods of up to 10 days total without reference to the Tribunal, provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline and the extension does not affect the parties' ability to meet other deadlines.

James Wolffe KC

Chair of the Competition Appeal Tribunal

Made: 9 September 2025

Drawn: 9 September 2025